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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/806,936
Filing Date: March 23, 2004
Appellant(s): HYLAND, GREGORY ANDREW

Jerry Berman
(Reg. No. 60,582)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/17/2009 appealing from the Office action mailed 04/27/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 4, 24 and 31 appears on page 14, 18, 20 respectively of the Appendix to the appellant's brief. The minor errors are as follows: claims 4, 24 and 31 depend on cancelled claims 2, 22 and 29 respectively.

(8) Evidence Relied Upon

US 5,786,789	Janky	07-1998
US 2002/0111189	Chou	08-2002
EP 0891112	Dumont	01-1999

English Language Translation of EP 0891112, (Dumont) 13 January 1999;
translated OCT 2008, 15 sheets (attached at end of Examiner's Answer)

(9) Grounds of Rejection

Claims 1, 4-6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 24-28, 31-33, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont (EP 0891 112) in view of Janky (US 5,786,789).

Dumont was submitted by the applicant in IDS dated 11/07/2005 whose translation was provided to the applicant on 10/17/2008.

With respect to claim 1, Dumont discloses *a cryptographic device comprising: a cryptographic module (securing auxiliary module 21, page 4, line 18) and a communications module (portable telephone 1, page 4, line 17) removably coupled thereto* (see fig. 2, item 2 and 22);

said cryptographic module comprising a first housing (see fig. 2, item 22) and a first connector carried thereby (Auxiliary function module 21 is moreover provided with male connector 25, page 6, line 7); *said first housing comprising a first body and a first extension extending outwardly therefrom* (see fig. 2);

said communications module comprising a second housing (fig. 2, item 2) and a second connector carried thereby (female service connector 14 of portable telephone 1, see page 6, lines 7-8) and being removably mateable with said first connector of said cryptographic module (an auxiliary functional module for a portable telephone with standard casing and service connector, arranged for being mounted on the casing and for being connected to the service connector of the portable telephone, page 3, lines 14-16).

Dumont doesn't disclose *first and second extensions are aligned in overlapping relation*. However, Janky discloses *said second housing comprising a second body and a second extension extending outwardly therefrom (fig. 4A); said first and second extensions being aligned in overlapping relation when said first and second connectors are mated together (fig. 4A and 4B); said first connector carried by said first body adjacent said first extension and said second connector carried by said second extension (see figures 3 A, 3B, 4A, 7B and 8).*

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claim 4, Janky discloses *teach of said first and second extensions have surface features on opposing surfaces thereof to slidably engage and guide said cryptographic and communications modules together in mating relation (see*

figures 3 A, 3B, 4A, 7B and 8). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claim 5, Dumont discloses *said surface features define at least one slidable interlocking joint there between* (page. 6, lines 21-23).

With respect to claim 6, Dumont discloses *at least one fastener for removably fastening said cryptographic and communications modules together* (page. 6, lines 21-23 and see fig. 2 and fig. 3).

With respect to claim 8, Dumont discloses *said communications module comprises a predetermined one from among a plurality of interchangeable communications modules each for communicating over a different communications media* (page 2 lines 1-2, page 3 lines 17-20, page 4 lines 17-19 and page 9 last 3 lines).

With respect to claim 9, Dumont discloses *said communications module further comprises a network communications interface carried by said second housing and coupled to said second connector* (a telephone/user interface, signal processing unit 5 and telephone monitoring unit 6, page 4, lines 21-22).

With respect to claim 11, Janky discloses *at least one seal between said cryptographic module and said communications module* (see figures 3 A, 3B, 4A, 7B and 8). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claim 12, Dumont discloses *a cryptographic device comprising: a cryptographic module* (securing auxiliary module 21, page 4, line 18), *a communications module* (portable telephone 1, page 4, line 17) *removably coupled to said cryptographic module* (see fig. 2, item 2 and 22), *and at least one fastener for removably fastening said cryptographic and communications modules together* (page. 6, lines 21-23 and see fig. 2 and fig. 3);

said cryptographic module comprising a first housing (see fig. 2, item 22) *and a first connector carried thereby* (Auxiliary function module 21 is moreover provided with male connector 25, page 6, line 7), *said second connector being removably mateable with said first connector of said cryptographic module* (an auxiliary functional module for a portable telephone with standard casing and service connector, arranged for being mounted on the casing and for being connected to the service connector of the portable telephone, page 3, lines 14-16).

Dumont doesn't disclose *first and second extensions are aligned in overlapping relation*. However, Janky discloses *said first housing comprising a first body and a first*

extension extending outwardly therefrom (fig 4A); said communications module comprising a second housing and a second connector carried thereby, said second housing comprising a second body and a second extension extending outwardly therefrom; and said first and second extensions being aligned in overlapping relation when said first and second connectors are mated together (figs 4A and 4B); said first connector carried by said first body adjacent said first extension and said second connector carried by said second extension (see figures 3 A, 3B, 4A, 7B and 8).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claim 14, Janky discloses *each of said first and second extensions have surface features on opposing surfaces thereof to slidably engage and guide said cryptographic and communications modules together in mating relation* (see figures 3 A, 3B, 4A, 7B and 8). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claim 15, Dumont discloses *said surface features define at least one slidable interlocking joint there between* (page. 6, lines 21-23).

With respect to claim 17, Dumont discloses *said communications module comprises a predetermined one from among a plurality of interchangeable communications modules each for communicating over a different communications media* (page 2 lines 1-2, page 3 lines 17-20, page 4 lines 17-19 and page 9 last 3 lines).

With respect to claim 18, Dumont discloses *said communications module further comprises a network communications interface carried by said second housing and coupled to said second connector* (a telephone/user interface, signal processing unit 5 and telephone monitoring unit 6, page 4, lines 21-22).

With respect to claim 20, Janky discloses *at least one seal between said cryptographic module and said communications module* (see figures 3 A, 3B, 4A, 7B and 8). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the housings disclosed in Dumont with the overlapping housings taught in Janky in order to have couple the two housings as an integrated device, see col. 4, lines 29-33.

Claims 21 and 24-27 differ from claims 1, 4-6 and 11 only in that claims 1, 4-6 and 11 are a device claim whereas, claims 21 and 24-27 are method claim. Thus, claims 21 and 24-27 are analyzed as previously discussed with respect to claims 1, 4-6 and 11 above.

Claims 28, 31-33, 36 and 38 differ from claims 1, 4-6, 9 and 11 only in that claims 1 and 4-11 are a device claim whereas, claims 28, and 31-38 are system claim. Thus, claims 28 and 31-38 are analyzed as previously discussed with respect to claims 1 and 4-11 above.

With respect to claim 35, Janky discloses *a user network interface (a display 26, col. 6, line 37) carried by said first housing; and a cryptographic processor carried by said first housing and coupled to said user network interface and said first connector* (see fig. 4A and 4B). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Dumont with Janky to enable a user to interact with the system.

Claims 7, 10, 16, 19, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont (EP 0891 112) in view of Janky (US 5,786,789) and further in view of Chou (US 2002/0111189).

With respect to claims 7, 16 and 34, the combined teachings of Dumont and Janky don't explicitly disclose *a captive screw*. However, Chou discloses *said at least one fastener comprises at least one captive screw* (see fig. 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the modified housing of Dumont and Janky to include a captive screw as taught

by Chou. The motivation/suggestion would have been to have couple the two housings as an integrated device, see col. 4, lines 29-33.

With respect to claims 10, 19 and 37, Chou *discloses said first and second connectors each comprise multi-pin electrical connectors* (fig. 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Dumont and Janky's device to comprise multi-pin electrical connectors as taught by Chou to have different constructional chances in the device.

(10) Response to Argument

It has been argued (pages 8-9 of the appeal brief: Section A) that the combined teaching of Dumont and Janky does not teach that *the second connector is carried by the second extension*. Appellant's interpretation of the reference is noted; however, examiner respectfully disagrees. Appellant's specification paragraph 71 discloses:

[0071] Turning to FIGS. 12-14, the coupling structure of the cryptographic and communications modules 31, 32 will now be further described. More particularly, the first housing 34 of the cryptographic module 31 may include a first body 180 and a first extension 181 extending outwardly therefrom, and the second housing 45 may include a second body 182 and a second extension 183 extending outwardly therefrom. As such, the first and second extensions 181, 183 may be aligned in overlapping relation when the first and second connectors 37, 46 are removably mated together.

As shown in Figure 12 of the current application and in light of appellant's specification, the second extension is element 183 which overlaps with the first extension element 181 of Figure 13.

Janky discloses "the removable add-on module is removably coupled to the core module", col. 2, lines 14-15 and "removably attaching an add-on module 32 containing a cellular telephone 86 to a GPS device", col. 5, lines 38-39. Janky in Figures 3A, 3B, 4A and 7B show that the removable add-on module (example element 32 of figure 4A) is connected, physically coupled and overlapped/mated to the core module (example element 30 of figure 4A). Moreover, Janky in figure 5 shows that the two module's UART (elements 58 and 60) are communicating and sending digital data. See also figure 8 of Janky.

It has been argued (page 10 of the appeal brief: Section B) that the combined teaching of Dumont and Janky does not teach *surface features of the removable add-on module and core module*. Appellant's interpretation of the reference is noted; however, examiner respectfully disagrees. Janky discloses "the removable add-on module is removably coupled to the core module", col. 2, lines 14-15 and "removably attaching an add-on module 32 containing a cellular telephone 86 to a GPS device", col. 5, lines 38-39. Moreover, Janky in Figures 3A, 3B, 4A, 7B and 8 show that the removable add-on module (example element 32 of figure 4A) is connected to the core module (example element 30 of figure 4A). The housing itself would meet the claimed surface feature, because they would be used with attaching the two sections.

It has been argued (pages 10-11 of the appeal brief: Section C) that the combined teaching of Dumont and Janky does not teach *a plurality of interchangeable*

communications modules each for communicating over a different communications media. Appellant's interpretation of the reference is noted; however, examiner respectfully disagrees. Dumont on page 2 lines 1-2 states: "In telephony, the transmission and receiving of information by portable telephone, of a cellular network, of GSM type, for example, or of a proximity network, takes place by wireless means." Then on page 3 lines 17-20, Dumont teaches: "Consequently, the user can add, as he chooses, an additional function to his standard portable telephone, simply by mounting this auxiliary module on the standard casing of the telephone.", On page 4 lines 17-19, Dumont teaches: "Set 100 includes portable telephone 1, in this case of a cellular network, and in this case, of GSM type, and transmission securing auxiliary module 21 intended for being mounted on and connected to telephone 1." Moreover on page 9 last 3 lines, Dumont teaches: "Of course, this is only a particular example of an optional function which should in no case be considered to be limiting." Therefore Dumont throughout the disclosure, gives an example of the GSM type but it can be any other type or types. It would have been obvious to an ordinary skill in the art to allow the user to add additional functions to his telephone [page 3 lines 17-20] to allow it to communicate over different media in case the user takes his/her phone to different countries that uses different types.

Response to appellant's argument pertaining section D (pages 11-12 of the remarks) is the same response used in Section Applicant's argument on section A above.

Response to appellant's argument pertaining section E (page 12 of the remarks) is the same response used in Section Applicant's argument on section A above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/H. A./
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